

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-20 are pending. Claims 1, 3, 5, 12 and 20 are amended.

Allowable Subject Matter

Claims 3-6, 9 and 12-19 are indicated as allowable if rewritten in independent form. Claim 3, which depends directly from base claim 2, is rewritten to include all limitations of base claim 2. Accordingly, it is submitted that claim 3 is now in allowable form. Claims 4-6, 9 and 12-19 depend directly or indirectly from claim 3, and are similarly allowable.

Claim Rejections – 35 USC 102

Claims 1 and 20 are rejected under 35 USC 102(b) as anticipated by Lyons (US 5,941,328). Applicant respectfully traverses these rejections and has amended claims 1 and 20 to clarify their distinction relative to Lyons. In particular, claims 1 and 20, as amended recite:

...the first and the second controllers each includes a mutual activating and deactivating unit for activating and deactivating the other controller...

Thus, for example, as described in applicant's specification, BMC microcomputer 35 can activate and deactivate VTC microcomputer 50 and, conversely, VTC microcomputer 50 can activate and deactivate BMC microcomputer 35. See, e.g., paragraph [0098] of applicant's specification. This is advantageous in that the actuating relationship among the controllers does not need to be set in advance, but can be set according to the construction of the vehicle (applicant's paragraph [0008]).

Lyons does not disclose such a configuration. Applicant assumes, since it is not indicated in the Action, that the Action considers Lyon's power controller 14 and command controller 50 to correspond to applicant's claimed first and second

controllers. However, while Lyons discloses that command controller 50 controls various elements of power controller 14 (Lyons, col. 3, line 63 to col. 4, line 6), there is no disclosure or suggestion that command controller 14 has a unit that controls or is capable of activating or deactivating command controller 50. Since Lyons lacks this important feature of applicant's claims 1 and 20, it cannot anticipate those claims and the rejections under 35 USC 102 should be withdrawn.

Claim Rejections – 35 USC 103 – Claims 10 and 11

Claims 10 and 11 are rejected under 35 USC 103(a) as obvious over Lyons. Claims 10 and 11, which depend from claim 1, specify whether the communication path is wired or wireless. However, since claims 10 and 11 depend from claim 1, they distinguish over Lyons for the same reasons discussed for claim 1. The rejections under 35 USC 103 should be withdrawn.

Claim Rejections – 35 USC 103 – Claims 2, 7 and 8

Claims 2, 7 and 8 are rejected under 35 USC 103(a) as obvious over Lyons in view of Nonobe (US 6,158,537). Applicant respectfully traverses these rejections.

Claim 2 recites:

...[a] first controller [that] includes a first power source that operates and stops the first controller and a first power source control circuit that turns ON and OFF the power source...

and

...[a] second controller [that] transmits an activation signal to the first power source control circuit via the first path when electric charging to the battery starts in a state in which the first controller has not been activated...

As discussed with reference to claims 1 and 20, Lyons discloses only a power controller 14 controlled by a command controller 50. There is no disclosure in Lyons that either of controllers 14 or 50 has a power source control circuit that can both control itself as well as operate in response to an activation signal from the other

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controller. Moreover, there is certainly no disclosure that operation in response to an activation signal from the other controller occurs when battery charging has started but the first controller is not yet activated.

Nonobe merely discloses an on/off switch 38 that turns fuel cells 20 on or off under control of control unit 50 and does disclose or suggest the claim features lacking from Lyons.

In view of the above, applicant submits that claim 2, and claims 7 and 8 dependent thereon, are not rendered obvious by Lyons and Nonobe and that the rejections under 35 USC 103 should be withdrawn. Should the rejections be maintained, applicant requests that the Examiner clearly point out which elements in Lyons and Nonobe are considered to correspond to the claim features discussed above.

Conclusion

This application is now believed to be in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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